

Appln. Serial No. 10/633,989
Amendment Dated May 9, 2007
Reply to Office Action Mailed February 9, 2007

REMARKS

In the Office Action dated February 9, 2007, the Specification was objected to; claims 1-3, 5, 6, 8-13, 16, 17, and 19-21 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,943,050 (Bullock); and claims 4, 7, 14, 15, and 18 were rejected under § 103 over Bullock alone.

To address the objection of the Specification, patent numbers for applications listed in the first paragraph of the Cross Reference to Related Applications section have been added.

It is respectfully submitted that claim 1 is not disclosed by Bullock. Claim 1 now recites that a portable hand-held image capturing appliance includes a first button, separate from a display, configured to cause program code to attach new image data to an image group. In the rejection of former dependent claim 4, the Office Action took "Official Notice" that the use of navigation buttons in place of a computer mouse is well known. 2/9/2007 Office Action at 6. The Office Action then concluded that the subject matter of claim 4 (now cancelled) would be obvious in view of Bullock alone.

Applicant respectfully traverses the taking of Official Notice in this context. It is respectfully submitted that the Official Notice is improper in view of the objective evidence of Bullock itself. Note that Bullock teaches an arrangement in which a camera 118 is coupled to a notebook computer 100 to enable the performance of the various tasks described in Bullock. The arrangement depicted in Bullock is specifically the type of prior art that is mentioned in ¶ [0006] of the present application, which states that although hand-held scanners are an improvement, "they are typically dependent on a host computer for displaying the scanned images and for providing power." Bullock is objective evidence that the use of navigation buttons in the context of the claimed invention is not well known, and in fact, is non-obvious. Bullock specifically teaches the use of a notebook computer 100 with a capture device window 175 that includes control buttons within the capture device window 175. Rather than teach the use of a button separate from a display of a hand-held image capturing appliance, Bullock teaches the opposite, namely control buttons within a display of a host computer. Bullock thus teaches an approach that would have led a person of ordinary skill in the art away from the claimed invention, rather than towards it. In view of the foregoing, it is respectfully submitted that the subject matter of claim 1 is neither anticipated nor rendered obvious by Bullock.

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If a reference exists that supports the modification of Bullock in the manner proposed by the Office Action, Applicant requests the production of such a reference—absent this reference, the obviousness rejection is defective.

Independent claim 14 similarly recites a hand-held image capturing appliance that has a display for displaying a plurality of image data, and means for displaying a flipping animation in response to operating a navigation button separate from the display. As discussed above in connection with claim 1, the use of such a navigation button is clearly not taught or hinted at by Bullock. Therefore, claim 14 is also not anticipated or rendered obvious by Bullock.

Amended independent claim 16 recites the attaching and detaching of image data from a first group. Claim 16 further recites the following: “in response to operation of a navigation button, closing the first group, sliding the first group of image data off a display of the appliance, and presenting a next image data of a second group in the display. This sequence of tasks in response to operation of a navigation button is clearly not taught or hinted at by Bullock. Therefore, claim 16 is not anticipated or rendered obvious by Bullock.

Similarly, with respect to independent claim 17, Bullock fails to disclose or hint at a navigation button separate from the display and configured to cause the program code to close the first image group and to open a second image group for display.

Independent claim 8 has been amended to recite that the various tasks are performed by a scanner, and that the method of claim 8 further includes displaying the image data of the group in a display of the scanner. With respect to dependent claim 7 (which depends from claim 1), the Office Action took Official Notice that “scanners are notoriously well known image capture systems which can be used in place of digital cameras to capture accurate images of documents.” 2/9/2007 Office Action at 7. Applicant respectfully traverses the taking of Official Notice in this context. There is no objective evidence to establish that use of a scanner in the context of claim 8 would be well known. In fact, Bullock itself discloses that a computer 100 has to be present when used with the camera 118 to perform the various tasks described in Bullock. Thus, even if a scanner can be used to replace the camera 118 in Fig. 1 of Bullock, it is noted that this scanner cannot perform the grouping, attaching, and displaying tasks recited in claim 8. Therefore, it is respectfully submitted that claim 8 is neither anticipated nor rendered obvious by Bullock.

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Dependent claims, including newly added dependent claims 22-26, are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10980475-6).

Respectfully submitted,

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